

LAW OFFICES OF KEITH T. SMITH

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THOMAS CARRINGTON	:	UNITED STATES DISTRICT COURT
	:	DISTRICT OF NEW JERSEY
	:	CAMDEN VISINAGE
	:	
Plaintiffs,	:	CIVIL ACTION NO:
v.	:	Civil Action
	:	
NEW JERSEY MANUFACTURERS	:	
INSURANCE COMPANY, FEDERAL	:	
EMERGENCY MANAGEMENT	:	COMPLAINT AND JURY DEMAND
NJ MANUFACTURERS INSURANCE	:	
CO., OLIVER AND COMPANY,	:	
JAMES STRAUB, RICHARD CROWLEY:	:	
JOHN DOES 1-10, ABC CORPS 1-3	:	
(FICTITIOUS NAMES)	:	
	:	
Defendants.	:	

PLAINTIFF, THOMAS CARRINGTON, residing at 1658 W. Riverside Drive
Atlantic City Atlantic County New Jersey 08401, hereby complains against the
defendants for damages by way of complaint through counsel as follows:

JURISDICTION

1. Plaintiff bases **in personam** jurisdiction on the fact that the Defendants are present and doing business in New Jersey and the incident giving rise to plaintiff's injuries occurred in New Jersey. Plaintiff bases **subject matter** jurisdiction on on 42 U.S.C. Section 4071-4702 which gives federal jurisdiction to claims under flood insurance policies.

VENUE

1. Venue is appropriate pursuant to **28 U.S.C. Section 1391** (b)(2) as the property that is the subject of this lawsuit is located in this District and vicinage, in Atlantic County, New Jersey, and the happening of the events giving rise to plaintiff's complaint occurred here.

FIRST COUNT

1. Plaintiff is the owner of real property located at 1658 W Riverside Dr. Atlantic City New Jersey 08401
 2. Plaintiff resides at the aforesaid location.
 3. On or about October 29, 2012 Plaintiff's property was damaged as a result of flood from Hurricane Sandy.
 4. It was damages again in January 23, 2016 as a result of winter storm.
 5. Plaintiff was insured for wind and flood damage by NJ Manufacturer's
 6. Insurance Group 301 Sullivan Way West Trenton NJ 08628
 7. Defendant NJ Manufacturers issued a, "Write your own" flood policy to Plaintiff under policy number, 00N0296020.
 8. The policy was in effect on the aforementioned dates of loss.
 9. Plaintiff made a timely claim and complied with all conditions under the policy.
 10. Defendant failed to pay all of the damages due under the policy.
- Wherefore, Plaintiff requests judgment against defendants New Jersey Manufacturer's Insurance Co, John Does 1-10 and ABC Corps 1-5 for

compensatory, and consequential damages, interest, attorney's fees and costs and such other relief as the court deems just.

SECOND COUNT

1. Plaintiff hereby repeats all of the facts and allegations of the First Count as if fully set forth.
2. Federal Emergency Management Agency, (hereinafter FEMA) funds all flood insurance policies.
3. Defendant FEMA is ultimately responsible for payment under any flood policy, including the policy issued by NJ Manufacturers under policy 00N0296020.
4. Defendant FEMA has not paid all the damages due and payable under the policy wherefore Plaintiff has been damaged.

Wherefore, Plaintiff requests judgment against defendants FEMA, New Jersey Manufacturer's Insurance Company and John Does 1-10 and ABC Corps 1-5 for compensatory, and consequential damages, interest, attorney's fees and costs and such other relief as the court deems just.

THIRD COUNT

1. Plaintiff repeats all of the facts contained in the foregoing paragraphs as if fully set forth.
2. Plaintiff sustained wind and water loss on or about January 23, 2016.
3. At that time Plaintiff was insured by NJ Manufacturers against said loss by Policy H437775

4. The aforesaid policy was in effect at the time of the loss.
5. Defendant retained James Straub and Oliver and Company to adjust the loss.
6. Oliver and Company and James Straub were negligent in that they failed to properly adjust the loss, and as a result Defendant NJ Manufacturers failed to pay for all the loss and Plaintiff was damaged.
7. Wherefore, Plaintiff demands judgment against Defendant's NJ Manufacturer's Insurance Company, Oliver and Company, James Struab, John Doe Defendants 1-10, Abc Corps 1-3 for compensatory damages, interests and such other relief as may be just.

FOURTH COUNT

1. Plaintiff repeats all of the facts of the prior allegations as if fully set forth.
2. Defendant NJ Manufacturers employed Richard Crowley as an agent to assess the loss and or losses to the Carrington property.
3. Defendant Crowley was at all relevant times negligent in the assessment of the loss, in that he failed to properly assess the loss.
4. At all relevant times Defendant Crowley was the agent, servant and employee of NJ Manufacturers.
5. Defendant NJ Manufacturers is vicariously responsible for the negligence of Defendant Crowley.
6. As a direct and proximate cause of defendant Crowley's negligent assessment of the loss, Plaintiff was damaged.

Wherefore Plaintiff Thomas Carrington demands judgment against NJ.

Manufactures and Richard Crowley for compensatory damages, attorney's fees and interest and such other relief as the court deems just.

LAW OFFICES OF KEITH T. SMITH

DATED: June 14, 2018

By Keith T. Smith

Keith T. Smith, Esq.
Attorney for the Plaintiff

DEMAND FOR JURY

Plaintiff hereby demands a trial by jury of twelve (12) persons on all counts herein, pursuant to Fed R. Civ. Proc. 38 on all issues so triable.

LAW OFFICES OF KEITH T. SMITH

DATED : June 14, 2018

By: Keith T. Smith

KEITH T. SMITH, Esq.
Attorney for Plaintiff